

Defendant filed a Motion to Vacate Sentence on February 13, 2012, (Doc. No. 64), and the Court granted Defendant's Motion October 18, 2013. (Doc. No. 67). On November 8, 2013, U.S. Probation Officer Carolyn F. Morse filed a Supplemental Presentence Report (Doc. No. 68), finding that Defendant's new applicable guidelines range is one hundred and ten (110) to one hundred and thirty-seven (137) months imprisonment. According to the Federal Bureau of Prisons Inmate Skill Development Plan, Defendant's sentence began April 10, 2007. As of the time of his scheduled re-sentencing, June 10, 2014, he will have served approximately two thousand six hundred and eighteen (2,618) days in federal prison. Defendant also has seven hundred twenty-two (722) days of jail credit amounting to a total time served of three thousand

three hundred and forty (3,340) days, or one hundred nine (109) months and twenty-one (21) days.


After factoring in good time credit, the Court believes such a term of imprisonment is sufficient, but not greater than necessary, to accomplish the goals of sentencing. Further, the Court finds a re-sentencing hearing is unnecessary, in part because Defendant waives his right to a hearing. (Doc. No. 71). Accordingly, Defendant's unopposed Motion (Doc. No. 71), is GRANTED and Defendant is re-sentenced to a term of time-served plus ten days and to a term of four years of supervised release.

All other terms and conditions of Defendant's Judgment in the Criminal Case remain in full force and effect.

The Clerk is directed to certify copies of this Order to Defendant, to counsel for Defendant, to the United States Attorney and the United States Marshal's Office.

IT IS SO ORDERED.

Signed: May 14, 2014



Frank D. Whitney
Chief United States District Judge

